



U.S. Department of Justice

United States Attorney
Southern District of New YorkThe Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

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December 2, 2021

By ECF

Honorable Victor Marrero
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

Re: United States v. Ricardo Tibby, 21 Cr. 728 (VM)

Dear Judge Marrero:

The Government writes to respectfully request an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161 (h)(7)(A), between December 2, 2021 and December 17, 2021.

Upon receipt of this case, the Court referred the case to Magistrate Court for arraignment and set a pretrial conference date of December 17, 2021. On December 2, 2021, the defendant was arraigned on the indictment before Magistrate Judge Debra Freeman. The Government moved at the arraignment for an exclusion of time under the Speedy Trial Act until the initial conference date of December 17, 2021. The defendant objected, and Magistrate Judge Freeman denied the request, though she invited the Government to renew its request by submitting a letter to the Court.

The Government now asks that the Court exclude, under the Speedy Trial Act, the time between December 2, 2021 and the scheduled conference on December 17, 2021. The defendant has stated, through counsel, that he objects to the request. This exclusion is in the interest of justice because it will allow time for the Government to begin preparing and producing discovery to the defendant. Moreover, given the current state of operations in the District, as impacted by the COVID-19 pandemic, the exclusion of time is necessary because the procedures required to conduct jury trials safely preclude the availability of a trial date until Spring 2022 at the earliest, more than 70 days from today's date. *See* 18 U.S.C. § 3161(c)(1).

Respectfully submitted,

DAMIAN WILLIAMS
 United States Attorney for the
 Southern District of New York

by: /s/ Andrew Jones
 Andrew Jones
 Assistant United States Attorney
 (212) 637-2249

Defendant Ricardo Tibby is _____ directed to respond
 by December 7, 2021, by letter not to exceed
 one _____ pages, to the matter set forth above by
 the Government.

SO ORDERED.

12/3/2021

DATE

VICTOR MARRERO, U.S.D.J.